

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re SUNEDISON, INC. ERISA  
LITIGATION

Civil Action No. 1:16-mc-2744-PKC

MDL No. 2742

**DEFENDANTS' NOTICE OF JOINT  
MOTION TO DISMISS THE SECOND AMENDED CONSOLIDATED COMPLAINT**

PLEASE TAKE NOTICE that upon: (i) Plaintiffs' Second Amended Consolidated Complaint for Breach of ERISA's Fiduciary Duties ("Complaint") filed August 28, 2017, in the above-captioned action, (ii) the accompanying Memorandum of Law in Support of Defendants' Joint Motion to Dismiss the Second Amended Consolidated Complaint, (iii) the accompanying Declaration of Christopher K. Meyer in Support of the Defendants' Joint Motion to Dismiss the Second Amended Consolidated Complaint, and (iv) all prior papers and proceedings herein, the Defendants will move this Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure before the Honorable P. Kevin Castel, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order (i) dismissing the Complaint with prejudice in its entirety and (ii) striking the Plaintiffs' demand for a trial by jury, and for such other relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Order entered by this Court on September 11, 2017, Plaintiffs' response, if any, shall be filed by November 2, 2017, and Defendants' reply, if any, shall be filed by November 22, 2017.

Dated: September 18, 2017

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